



January 22, 2025

Derek T. Mayeshiro
C/o Gayle Rufo
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Sent via U.S. Mail and Electronic Mail (grr2@hawaii.edu)

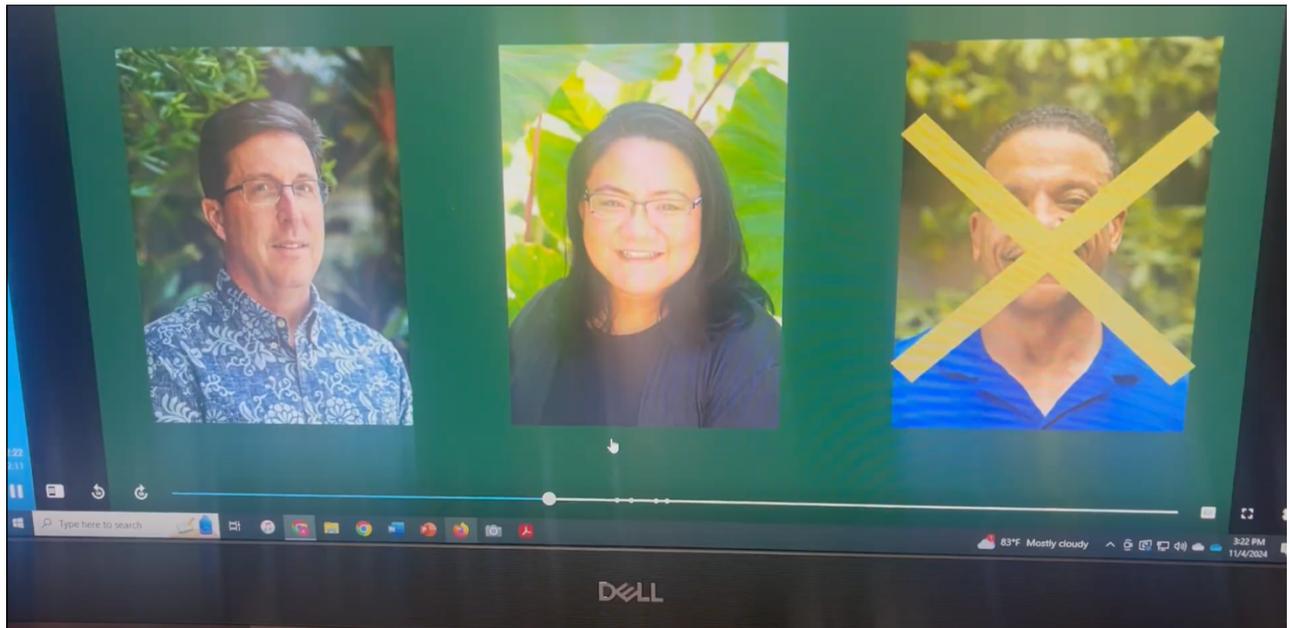
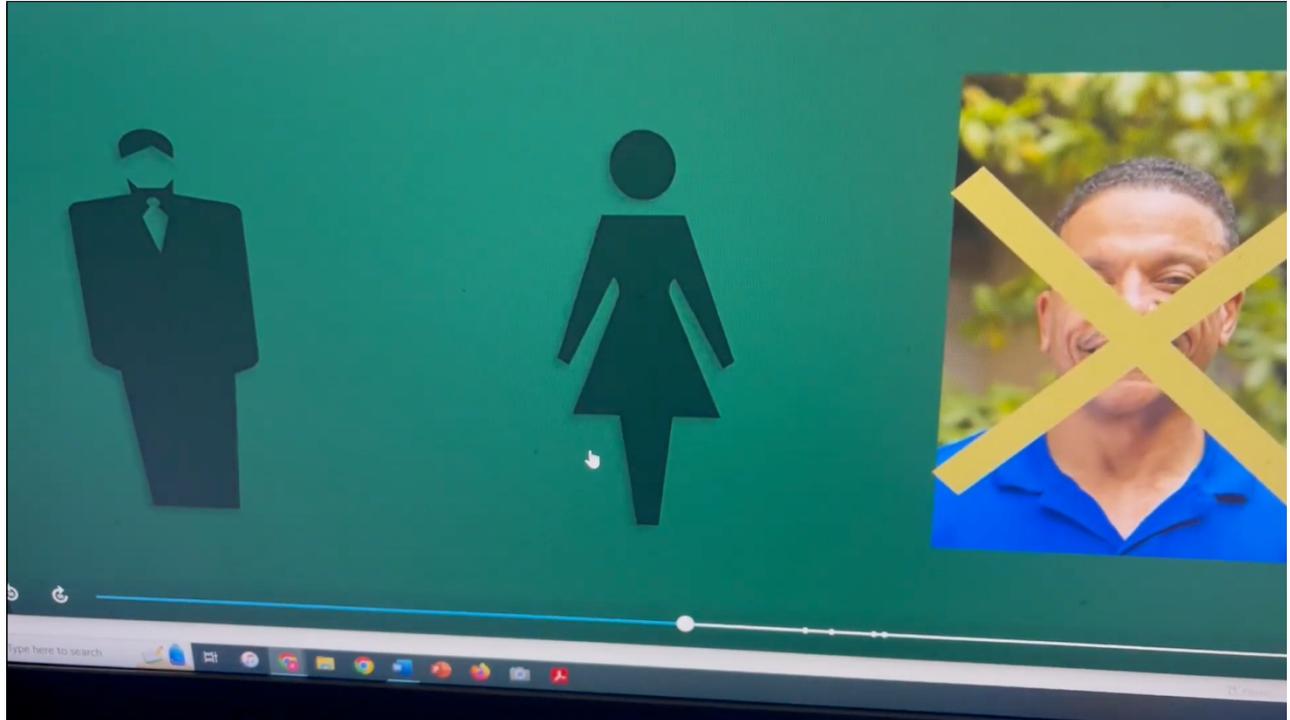
Dear Mr. Mayeshiro:

FIRE is disappointed in your response to our concerns with the University of Hawai'i at Manoa's handling of an anonymous complaint against Professor Kenneth Lawson. While claiming that our letter "mischaracterize[d] certain facts regarding the complaint and subsequent meeting," your office declined to specify those mischaracterizations and failed to engage substantively with our academic freedom concerns.¹

Subsequent developments in this situation only deepen our concerns. On January 4, one day after you sent your response to FIRE, Lawson discovered that UH administrators had unilaterally changed his hypothetical example on *mens rea* and transferred intent (in which one UH dean shoots at another UH dean but hits Lawson) to remove the references to both deans. The new video censors Lawson's voice so that he no longer says either dean's name and replaces the deans' photos with two generic figures, while preserving Lawson's picture as the eventual shooting victim.²

¹ Letter from Derek T. Mayeshiro, Associate General Counsel, to Graham Piro, FIRE Faculty Legal Defense Fund Fellow (Jan. 3, 2025) (on file with author).

² Video on file with Kenneth Lawson.



Our previous letter articulated the constitutional concerns with administrators infringing upon the academic freedom rights of faculty to determine how to best approach controversial or upsetting material germane to the subject of their classes. Courts have reinforced that fundamental right time and time again. Indeed, the Supreme Court stressed the critical importance of academic freedom to the very fabric of our society, writing that “any strait jacket

upon the intellectual leaders in our colleges and universities would imperil the future of our Nation[.]”³

We are dismayed that UH would blatantly violate Lawson’s right to teach his own class by unilaterally changing his course content. To avoid such administrative interference in their pedagogy, a professor is likely to significantly modify their course content to reduce the risk of prompting administrative intervention, diminishing the overall quality of a UH education. Such a chilling effect is unacceptable at any institution, and doubly so at one that is bound to protect professors’ First Amendment rights.

That UH replaced the two deans with generic figures, but kept Lawson’s image in the example demonstrates the falsity of the university’s purported rationale that it “can and should remove content from its technology systems that may be disturbing and harmful to students, faculty and/or staff.”⁴ If the inclusion of the deans is “disturbing and harmful” to students in Lawson’s class, why would the idea of *their professor* being shot not be equally or more “disturbing”? This glaring double standard leaves room for only one interpretation: that UH’s objection to the slide is not about students’ psychological wellbeing, but rather about enforcing an unwritten and unwarranted prohibition against *lese-majeste* intended to protect the image or ego of high-ranking administrators. UH should be aware that such measures frequently have the opposite effect in a liberal, democratic society like the United States.

FIRE’s concerns are only amplified by the fact that this alleged capitulation to sensitivity is occurring in a law school. To receive a proper education in the law, students will inevitably encounter difficult topics like sexual assault, homicide, physical assault, domestic violence, and may be faced in school and in their careers with descriptions of personal injuries far more graphic than those in Lawson’s hypothetical. Where do UH administrators draw the line regarding their interference in faculty instruction if they feel free to operate under a nebulous standard of protecting students from “disturbing and harmful” material? Such interference only undermines the faculty’s efforts to teach difficult material to their classes. UH administrators are not hired to instruct students in the classroom; nor are students paying to be educated by administrators rather than faculty.

As Lawson plans to submit a grievance about this situation, we once again urge UH to rescind the order that Lawson change the content of the course video, replace its doctored video of Lawson’s lecture with the original video, and commit to upholding faculty academic freedom rights. We request a substantive response to this letter no later than February 5, 2025.

Sincerely,



Graham Piro
Faculty Legal Defense Fund Fellow

Cc: Camille Nelson, Dean
David Lassner, President

³ *Sweezy v. New Hampshire*, 354 U.S. 234, 250 (1957).

⁴ Letter from Camille Nelson, Dean, to Kenneth Lawson, professor (Nov. 20, 2024) (on file with author).